

CONSENT AGENDA

APRIL 13, 2009

A. APPROVAL OF MINUTES

**1. SUBJECT: APPROVAL OF MINUTES DATED
JANUARY 26, FEBRUARY 9, AND
FEBRUARY 10, 2009**

ISSUE/PURPOSE: The above listed minutes are before the
Board for approval. See TAB **B**.

B. APPROPRIATIONS AND TRANSFERS

**1. SUBJECT: CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUND**

**A-FY-09-
CLERK OF CIRCUIT COURT
TECHNOLOGY TRUST FUND**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

250 Clerk of Circuit Court	\$12,175
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
02250-423100 Shared Expenses	\$12,175

Said resolution appropriates Technology Trust fund monies to cover the cost of software maintenance for the land record system in the Clerk of Circuit Court Office.

ISSUE/PURPOSE: Appropriate Technology Trust fund monies to cover the cost of software maintenance for the land records system.

2. SUBJECT: FIRE AND RESCUE CAPITAL PROJECTS

**A-FY-09-
FIRE AND RESCUE
CAPITAL PROJECTS**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a County Capital Projects fund transfer of appropriation is hereby authorized, as follows:

FROM:

3300	Undesignated Fire and Rescue Projects	(\$557,143)
3302	Shawsville Rescue Squad	<u>(\$9,531)</u>
	Total	(\$566,674)

TO:

3301	Elliston Fire Department	\$742
3301	Christiansburg Fire Department	\$285,098
3301	Blacksburg Fire Department	\$165,834
3302	Christiansburg Rescue Squad	<u>\$115,000</u>
	Total	\$566,674

Said resolution transfers appropriated funds from Undesignated Fire and Rescue Projects and remaining funds from the Shawsville Rescue Squad ambulance for use as specified by the Fire and Rescue Commission.

ISSUE/PURPOSE: This resolution transfers funds from the fire and rescue reserve and remaining funds originally appropriated for the Shawsville Rescue Squad ambulance for use as follows:

Department request	Description of item purchased	Cost of initial request	Fund already appropriated	Requested appropriation	Total cost
Elliston Fire Department	Pumper/tanker for replacement of 1982 vehicle currently in service	486,716.00	486,716.00	742.00	487,458.00
Christiansburg Fire Department	Pumper/tanker for replacement of 1988 model vehicle currently in service	687,598.00	402,500.00	285,098.00	687,598.00
Blacksburg Fire Department	Rescue pumper replacement 1988 model vehicle currently in service	564,658.00	402,500.00	165,834.00	564,658.00
Christiansburg Rescue Squad	Replacement ambulance for unit transferred to Riner Station	115,000.00	00.00	115,000.00	115,000.00
Total		1,853,972	1,291,716	566,674.00	1,854,714

**A-FY-09-
FOUR FOR LIFE ALLOCATION**

4. SUBJECT: HUMAN RESOURCES – WELLNESS PROGRAM

**A-FY-09-
HUMAN RESOURCES
WELLNESS PROGRAM**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

110	Human Resources – Wellness	\$10,195
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
419108	Recovered Costs	\$10,195

Said resolution appropriates monies received in FY 08 as incentives from the County's health insurance carrier to offset a portion of the costs of the County's Wellness program.

ISSUE/PURPOSE: Incentive revenue is budgeted at \$15,000 to offset the cost of the Wellness Program. This year, the actual revenue received exceeded the estimate by \$10,195. This resolution appropriates the excess revenue to be used for the Wellness Program.

**5. SUBJECT: PUBLIC SERVICE AUTHORITY – BOUNDARY
ADJUSTMENT FEES – MAPLE RIDGE
SUBDIVISION**

**A-FY-09-
PUBLIC SERVICE AUTHORITY
BOUNDARY ADJUSTMENT FEES
MAPLE RIDGE SUBDIVISION**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009, for the function and in the amount as follows:

890	Transfer to the PSA	\$24,000
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account

413306	Boundary Adjustment Fee	\$24,000
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Said resolution appropriates boundary adjustment fees to the PSA from the Maple Ridge Subdivision.

ISSUE/PURPOSE: Said resolution appropriates boundary adjustment funds to the PSA

JUSTIFICATION: The County entered into an agreement whereby the Maple Ridge subdivision developer will pay the County \$1,500 per lot for the County's loss of utility service due to the development being located in the Town of Blacksburg. The total amount to be collected under the agreement is \$255,000. The total amount collected to date is \$66,000. \$42,000 has been appropriated previously.

Since 1997, the County has forgiven \$800,626 owed to the County from the PSA. This total includes \$142,050 from the incentive program which allowed the PSA to waive facility fees for new customers for a specified time period. The County also provides the PSA with office space, utilities, Human Resources, County Attorney and Treasurer's office services at no cost.

6. SUBJECT: SHERIFF – TRANSFER FROM GENERAL CONTINGENCIES (Balance in General Contingencies before this resolution is \$275,400)

**A-FY-09-SHERIFF
TRANSFER FROM GENERAL CONTINGENCIES
TO COVER THE COST OF BURIAL EXPENSES FOR
AN INDIGENT DECEASED CITIZEN**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that a transfer of appropriation is hereby authorized, as follows:

FROM:
950 General Contingencies (\$2,568)

TO:
320 Sheriff - County \$2,568

Said resolution transfers appropriated funds from General Contingencies to the Sheriff's Department to cover burial expenses for an indigent deceased citizen.

ISSUE/PURPOSE: The Sheriff's Department is required by the Code of Virginia to pay expenses associated with the burial of indigent deceased citizens when no one claims the body and assumes those expenses and the body cannot be used for scientific study. This resolution transfers funds from general contingencies to cover burial costs required to be paid by the Sheriff's Department.

7. SUBJECT: TREASURER – DMV STOP FEES

**A-FY-09-
TREASURER
DMV STOP FEES**

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

162 Treasurer's Collections \$11,209

The source of the funds for the foregoing appropriation is as follows:

Revenue Account
411605 DMV Stop Fee \$11,209

Said resolution appropriates monies received from taxpayers for DMV service charges for stops on license issuance.

ISSUE/PURPOSE: Said resolution appropriates monies received from taxpayers for DMV service charges for stops on license issuance.

JUSTIFICATION: The treasurer's office issues DMV stops on delinquent taxpayers. This program prevents taxpayers from receiving DMV license renewals until their delinquent taxes are paid to the County. The DMV charges an administrative fee to the County, which the Treasurer's

**8. SUBJECT: TRANSIENT OCCUPANCY TAX –
MONTGOMERY COUNTY CHAMBER OF
COMMERCE**

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**9. SUBJECT: INTEREST PROCEEDS ON THE 2003A BONDS
SCHOOL CAPITAL PROJECTS**

**A-FY-09-
INTEREST PROCEEDS ON THE 2003A BONDS
APPROPRIATION TO SCHOOL CAPITAL PROJECTS**

BE IT RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2009 for the function and in the amount as follows:

6622 BHS Athletic Stadium	\$3,085
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
415102 Interest Income	\$3,085

Said resolution appropriates the remaining interest earned on athletic field bond proceeds (2003A Bonds) to the BHS Athletic Stadium which allows the related bank account to be closed out.

ISSUE/PURPOSE:	On December 15, 2008, the Board of Supervisors appropriated interest earned to that date on the 2003A bond proceeds. This resolution appropriates the remaining interest earned on these bonds which will allow the bank account to be closed out.
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C. SUBJECT:

**1. SUBJECT: REFER TO PLANNING COMMISSION –
CURRENT ZONING LIMITATIONS FOR
ACCESSORY BUILDINGS IN THE
AGRICULTURAL ZONING DISTRICT**

**R-FY-09-
RESOLUTION REQUESTING THE PLANNING COMMISSION TO STUDY
THE FIVE (5) ACRE MINIMUM ACREAGE REQUIREMENT TO ALLOW AN
ACCESSORY DWELLING IN THE A-1 AGRICULTURAL DISTRICT AND ADVISE IF
ANY AMENDMENTS TO THE ZONING ORDINANCE IS WARRANTED**

WHEREAS, Section 10-41 of the Montgomery County Zoning Ordinance prohibits accessory dwellings on parcels of less than five (5) acres in the A-1 Agricultural District; and

WHEREAS, The Board of Supervisors has received a written request from Legacy Builders, NRV, Inc. that the Board consider amending Section 10-41 to allow accessory dwellings in the A-1 Agricultural District on a smaller parcel of one (1) or two (2) acres so that their client can construct an accessory dwelling on their property; and

WHEREAS, This is not an isolated incident, for the County Planning Department has had several prior incidents where other property owners were not able to construct accessory dwelling(s) in the A-1 Agricultural District because their parcel contained less than five (5) acres; and

WHEREAS, The Board of Supervisors desires for the Planning Commission and Planning staff to look at the current zoning limitation on constructing accessory dwellings in the A-1 Agricultural District and advise the Board of Supervisors if any changes or amendments to the current zoning requirements for accessory dwellings in the A-1 Agricultural District is warranted.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby requests the Montgomery County Planning Commission to look at the current zoning limitations on constructing accessory dwellings in the A-1 Agricultural District and advise the Board of Supervisors if any changes or amendments to the current zoning requirements for accessory dwellings in the A-1 Agricultural District are warranted.

JUSTIFICATION:

Legacy Builders NRV, Inc. has requested the Board of Supervisors to consider amending Section 10-41 to allow accessory dwellings in the A-1 Agricultural District on a smaller parcel of one (1) or two (2) acres so that their client can construct an accessory dwelling on their property. See TAB C.

D. GRANTS

**1. SUBJECT: RESOLUTION OF SUPPORT
MONTGOMERY COUNTY SHERIFF'S OFFICE
GRANT APPLICATION**

**R-FY-09-
RESOLUTION OF SUPPORT
MONTGOMERY COUNTY SHERIFF'S OFFICE
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

WHEREAS, The Montgomery County Sheriff's Office has requested the Board's support for an Edward Byrne Memorial Justice Assistance Grant (JAG) as part of the 2009 Recovery Act for the purchase of two police cruisers, one Night Vision Delta Kit, seven helmet mounts for the Night Vision Monocular, and fifteen Pelican-Mini 2130 Infra-Red Strobes totaling \$39,065; and

WHEREAS, The Sheriff has requested a resolution of support showing that the County approves the submittal of the grant application by the Montgomery County Sheriff's Office; and

WHEREAS, There is no local cash or in-kind match for this grant; and

WHEREAS, The goal of the Montgomery County Sheriff's Office is to utilize grant funding to purchase law enforcement related equipment to enhance the services the Sheriff's Office provides to the citizens of Montgomery County in the most efficient and cost effective way possible.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby supports the Montgomery County Sheriff's Office grant application for the Edward Byrne Memorial Justice Assistance Grant for the purchase of two police cruisers, one Night Vision Delta Kit, seven helmet mount Night Vision Monoculars, and fifteen Pelican-Mini 2130 Infra-Red Strobes totaling \$39,065, with no local cash or in-kind match.

ISSUE/PURPOSE: Resolution supporting the grant application by the Montgomery County Sheriff's Office.

JUSTIFICATION: The Montgomery County Sheriff's Office has requested the support of the Board of Supervisors to submit a grant application to the Edward Byrne Memorial Justice Assistance Grant in the amount of \$39,065. There is no local cash or in-kind match required. A resolution by the Board of Supervisors is necessary for the Sheriff's Office to proceed with the application process. The Sheriff's Office has identified equipment needs that

meet the 2009 Recovery Act standards as qualified purchases for the grant funding. The Sheriff's Office has received a 33% reduction in their police vehicle and equipment line item budget that was necessary to ensure continued funding for law enforcement personnel. The Sheriff's Office has identified the following equipment to be purchased:

- 2 Chevrolet Impala Police Vehicles \$33,260.36
- 1 ITT NEPVS-14 Night Vision
Delta Kit \$4,144
- 7 Helmet Mounts for the ITT PVS-14
Night Vision Monocular \$1,477
- 15 Pelican-Mini 2130IR
Infra-Red Strobes \$180.00

The Sheriff's Office will be holding a public hearing on Tuesday, April 14, 2009, to provide the citizens the opportunity to review the grant application and provide comments. See TAB **D** for a copy of the grant proposal.

E. ANIMAL CONTROL

1. SUBJECT: LIVESTOCK CLAIM – BRUCE NESTER

**R-FY-09-
LIVESTOCK CLAIM
BRUCE NESTER**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that Bruce Nester is hereby compensated \$ 740.00 for the loss of three (3) sheep and four (4) lambs.

ISSUE/PURPOSE: To compensated for the loss of livestock.

JUSTIFICATION: On April 6, 2009, Bruce Nester filed a livestock claim requesting reimbursement of \$240.00 for the loss of three sheep and \$500.00 for the loss of three lambs that were killed, and one lamb seriously injured.

On April 6, 2009 Animal Control investigated the complaint by Bruce Nester regarding an animal attack and found 6 dead lambs and sheep and one injured lamb

State law and County ordinance requires any livestock claim to be filed within 60 days of the discovery of the livestock killed. Montgomery County Ordinance specifies that compensation of fair market value is not to exceed \$400.00 per animal. Therefore, based upon the report filed by Animal Control, County staff is recommending the compensation of \$ 740.00 for the loss of 3 sheep and 4 lambs. The Montgomery County Extension Office was contacted to confirm the fair market value of the animals. According to Barry Robinson, the value of the animals is right for this time of year.

TAB E includes the live stock claim by Mr. Nester and a copy of the Animal Control report.

F. APPOINTMENTS

1. SUBJECT: NEW RIVER COMMUNITY ACTION, INC.

**R-FY-09-
NEW RIVER COMMUNITY ACTION, INC.
APPOINTMENT**

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Mary Critzer** to the **New River Community Action Board** effective April 14, 2009 and expiring June 30, 2010.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

Said appointment fills the unexpired term of Lori Walden, resigned.